

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

DEQUEEN AND EASTERN RAILROAD, LLC

PLAINTIFF

v.

Case No. 4:21-cv-4031

BRINK ENGINEERING SOLUTIONS, LLC

DEFENDANTS

ORDER

Before the Court is a Joint Motion to Transfer filed by the parties. ECF No. 26. The parties move the Court to transfer this case to the United States District Court for the Eastern District of Oklahoma. The parties also move the Court to deny as moot the portions of Defendant's Motion to Dismiss (ECF No. 8) that are based on a lack of personal jurisdiction and improper venue. Further, the parties ask the Court to extend Plaintiff's deadline to respond to Defendant's Motion to Dismiss. This matter is ripe for the Court's consideration.

"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). In the present case, all parties consent to the transfer of this case to the Eastern District of Oklahoma. Further, the parties state that this action could have originally been brought in that district.

Accordingly, the Court finds that the Joint Motion to Transfer (ECF No. 26) should be and hereby is **GRANTED**. Pursuant to 28 U.S.C. § 1404(a), the Clerk of Court shall immediately transfer this case to the United States District Court for the Eastern District of Oklahoma.

Further, the Court **DENIES AS MOOT** the portions of Defendant's Motion to Dismiss (ECF No. 8) that are based on a lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and improper venue under Federal Rule of Civil Procedure 12(b)(3). ECF No. 8, ¶¶ 2-3.

Defendant's Motion to Dismiss based on failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) shall remain pending. Plaintiff shall have thirty (30) days from the date this case is docketed in the Eastern District of Oklahoma to respond to Defendant's Motion to Dismiss (ECF No. 8).

IT IS SO ORDERED, this 1st day of April, 2022.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge